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4 444 South Flower Street, Suite 1100  
Los Angeles, California 90071  
5 Telephone: (213) 533-5400  
Facsimile: (213) 533-5444

6 Attorneys for Defendant  
7 CONAGRA FOODS, INC.

Filed

NOV - 1 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

10  
11 TERRY SOUTHARDS,

12 Plaintiff,

13 vs.

14 CONAGRA FOODS, INC. and DOES 1  
through 100, inclusive,

15 Defendants.  
16

) Case No. C07-05355 RS

) PROOF OF SERVICE OF NOTICE TO  
) ADVERSE PARTY AND STATE COURT  
) OF FILING REMOVAL TO FEDERAL  
) COURT

17  
18 Defendant CONAGRA FOODS, INC. hereby provides notice that, on October 19,  
19 2007, it filed and served a copy of the attached Notice of Filing Removal to Federal Court,  
20 to apprise the state court and plaintiff that the case has been removed to federal court.

21 Dated: October 30, 2007

GRACE, COSGROVE & SCHIRM  
A Professional Corporation

22  
23  
24 By: 

Rod J. Cappy  
David K. Schultz  
Attorneys for Defendant  
CONAGRA FOODS, INC.

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PROOF OF SERVICE RE NOTICE OF REMOVAL  
Case No. C07-05355 RS

1 ROD J. CAPPY, Bar No. 137151  
DAVID K. SCHULTZ, Bar No. 150120  
2 GRACE, COSGROVE & SCHIRM  
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3 444 South Flower Street, Suite 1100  
Los Angeles, California 90071  
4 Telephone: (213) 533-5400  
Facsimile: (213) 533-5444

5 Attorneys for Defendant  
6 CONAGRA FOODS, INC.

ENDORSED FILED

07 OCT 29 AM 11:06

KIRI TORRE  
CHIEF EXECUTIVE OFFICER/CLERK  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CLARA  
BY G. Duarte DEPUTY

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SANTA CLARA

10 TERRY SOUTHARDS,

11 Plaintiff,

12 vs.

13 CONAGRA FOODS, INC. and DOES 1  
through 100, inclusive,

14 Defendants.

) Case No. 107CV091409

) (Complaint filed 8/6/07)

) NOTICE TO ADVERSE PARTY AND  
STATE COURT OF FILING REMOVAL  
TO FEDERAL COURT

15  
16 TO PLAINTIFF AND THE HONORABLE COURT:

17 PLEASE TAKE NOTICE that on October 19, 2007, defendant ConAgra Inc. filed a  
18 Notice of Removal of this action to the United States District Court, Northern District, San  
19 Jose Division. A copy of defendant ConAgra's Notice of Removal is attached as Exhibit  
20 A. This notice is provided pursuant to 28 U.S.C. § 1446(d) upon filing a copy of the Notice  
21 of Removal with the state court. 28 U.S.C. § 1446(d) provides that the "State Court shall  
22 proceed no further unless and until the case is remanded."

23 Dated: October 26, 2007

GRACE, COSGROVE & SCHIRM  
A Professional Corporation

24  
25 By: 

Rod J. Cappy  
David K. Schultz  
Attorneys for Defendant  
CONAGRA FOODS, INC.

26  
27  
28  
NOTICE OF FILING REMOVAL TO FEDERAL COURT

**PROOF OF SERVICE**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 444 South Flower Street, Suite 1100, Los Angeles, California 90071.

On October 26, 2007, I served the within document(s) described as:

**NOTICE TO ADVERSE PARTY AND STATE COURT OF FILING REMOVAL TO FEDERAL COURT**

on the interested parties in this action as stated below:

Michael M. Shea, Esq. Attorneys for Plaintiff Terry Southards  
Michael M. Shea, Jr., Esq.  
Mark B. O'Connor, Esq.  
The James Square Building  
255 North Market St., Suite 190  
San Jose, CA 95110


☒ (BY MAIL) By placing a true copy of the foregoing document(s) in a sealed envelope addressed as set forth on the attached mailing list. I placed each such envelope for collection and mailing following ordinary business practices. I am readily familiar with this Firm's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited with the United States Postal Service on that same day, with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (BY FAX) By transmitting a true copy of the foregoing document(s) via facsimile transmission from this Firm's sending facsimile machine, whose telephone number is (213) 533-5444, to each interested party at the facsimile machine telephone number(s) set forth on the attached mailing list. Said transmission(s) were completed on the aforesaid date at the time stated on the transmission record issued by this Firm's sending facsimile machine. Each such transmission was reported as complete and without error and a transmission report was properly issued by this Firm's sending facsimile machine for each interested party served. A true copy of each transmission report is attached to the office copy of this proof of service and will be provided upon request.

Executed on October 26, 2007, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Bonnie Reinhard  
(Type or print name)

  
(Signature)

**PROOF OF SERVICE**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 444 South Flower Street, Suite 1100, Los Angeles, California 90071.

On October 30, 2007, I served the within document(s) described as:

**PROOF OF SERVICE OF NOTICE TO ADVERSE PARTY AND STATE COURT  
OF FILING REMOVAL TO FEDERAL COURT**

on the interested parties in this action as stated below:

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Michael M. Shea, Jr., Esq.  
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The James Square Building  
255 No. Market St., Suite 190  
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I certify that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on October 30, 2007, at Los Angeles, California.

I declare under penalty of perjury that the foregoing is true and correct.

Bonnie Reinhard  
(Type or print name)

  
(Signature)